

July 8, 2022

Via ECF

Honorable Lorna G. Schofield
U.S. District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*
Case No. 1:13-cv-07789-LGS

Dear Judge Schofield:

Pursuant to the Seventh Amended Civil Case Management Plan and Scheduling Order entered in this action (ECF No. 1454), Plaintiffs and Defendants Credit Suisse Securities (USA) LLC, Credit Suisse Group AG, and Credit Suisse AG (collectively, “Credit Suisse”) submit this joint status letter.

I. Motions

A. Motion For Decertification

On April 22, 2022, Credit Suisse filed the opening brief in support of its motion for decertification. ECF Nos. 1678, 1680. Plaintiffs filed their opposition brief on May 13, 2022, and Credit Suisse filed the reply brief on May 25, 2022. ECF Nos. 1685, 1687.

B. Pre-Trial Submissions

As provided for in the Court’s February 3, 2022 Scheduling Order, motions *in limine* are due by August 12, 2022, and responses are due on August 19, 2022. ECF No. 1653. Joint requests to charge, proposed *voir dire*, verdict form, and any memorandum of law, as provided for in the Court’s individual rules, are due by August 19, 2022. *Id.* The parties’ joint final pretrial order is due by August 26, 2022. *Id.*

C. Trial Time Estimates

In accordance with the Court’s Order dated July 5, 2022 (ECF No. 1695), the parties will submit a letter or letters stating how many trial days they expect to request by July 12, 2022.

II. Discovery

A. Depositions

Depositions have concluded in this action. In total, Credit Suisse took 27 depositions of Plaintiffs and/or their investment advisors. Plaintiffs took 55 fact depositions, two objector depositions, and eight Rule 30(b)(6) depositions of Defendants, including Credit Suisse. Of the 55 fact depositions taken by Plaintiffs, 26 witnesses invoked the Fifth Amendment protection against self-incrimination. In addition, the parties took and defended 14 expert depositions.

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Plaintiffs in *Allianz Glob. Invs. GmbH v. Bank of Am. Corp.*, No. 1:18-cv-10364, have started noticing and taking depositions. Parties in this action are negotiating a stipulation delimiting the use of *Allianz* depositions in the trial beginning in October 2022.

B. Remaining Deadlines

There are no other remaining discovery deadlines.

III. Litigation Class Notice

Plaintiffs have completed disseminating notice to potential Class Members that have been identified in the records maintained by the Claims Administrator. On November 29, 2021, the Court entered an Order Approving Requests for Exclusion from the Certified Litigation Class. ECF No. 1632; *see also* ECF No. 1649.

IV. Settlement

No settlement discussions have occurred since the entry of the summary judgment order. *See* ECF No. 1650.

V. Next Joint Status Letter

In light of the upcoming October trial, the parties respectfully submit that further joint status letters are no longer necessary. If the Court disagrees, the parties will submit their next joint status letter on September 9, 2022.

Respectfully submitted,

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